

### **REMARKS**

By the present Amendment, claims 1-7, 9-11, 13-19, and 21-23 have been amended, and claims 8, 12, and 20 cancelled. Claims 24-36 are newly presented for consideration. Accordingly, claims 1-7, 9-11, 13-19, and 21-36 are now pending in the application. Claims 1, 24, and 34 are independent.

#### **I. Summary of Rejections**

In the Office Action of January 18, 2005, claim 1-23 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The drawings were objected to under 37 C.F.R. §1.83(a). Claims 1-5, 7-12, and 19-22 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication 2002/0074764 to Allen et al. ("Allen"). Claims 1, 2, 7, 19, and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,921,571 to Bell. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Allen in view of U.S. Patent 6,357,784 to Mitzman. Claims 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bell in view of U.S. Patent 5,388,853 issued to Lauro. Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Allen in view of U.S. Patent D382,516 issued to Hutchinson. These rejections are respectfully traversed.

The Examiner's indication that claims 16-18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, is noted with appreciation.

## **II. Drawing Objections**

The drawings were objected to under 37 C.F.R. §1.83(a) for failing to show every feature of the invention specified in the claims. The Examiner indicated that the drawings do not illustrate the stop for locking the backrest, as recited in claim 19.

Applicant has amended claim 19 to define a characteristic of the bracket element rather than a stop per se.

Applicant respectfully requests withdrawal of the objection to the drawings as all features specified in the pending claims are illustrated in the drawings.

## **III. 35 U.S.C. §112, Second Paragraph Rejections**

Claims 1-23 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Office Action cites numerous instances of language considered indefinite, and/or otherwise lacking antecedent basis.

In an effort to advance prosecution of the present application, various claims have been amended or cancelled, to address, in part, all issues raised under 35 U.S.C. §112, second paragraph. Applicant respectfully submits that the pending claims are now in full compliance with the requirements of 35 U.S.C. §112, second paragraph. Withdrawal of this rejection is respectfully requested.

#### **IV. 35 U.S.C. §102 Rejections**

Claims 1-5, 7-12, and 19-22 were rejected under 35 U.S.C. §102(b) as being anticipated by Allen. Claims 1, 2, 7, 19, and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Bell.

As amended, independent claim 1 defines a frame for a bicycle trailer with a foldable passenger compartment and a foldable seat arranged therein. The frame comprises, in part, an upwardly acting frame member adjacent the backside of the frame, the upwardly acting frame member including an upper part, a lower part and a swivelling axis about which the upper part can be folded relative to the lower part to collapse the frame and a bracket element pivotally connected to the upwardly acting frame member to pivot about an axis parallel with the swivelling axis of the upwardly acting frame member.

The Office Action states that the Allen and Bell disclose the features recited in the claims. However, neither Allen et al. nor Bell teaches or shows a bicycle trailer including an upwardly acting frame member including an upper part, a lower part and a swivelling axis about which the upper part can be folded relative to the lower part to collapse the frame, as set forth in independent claim 1. Furthermore, neither reference teaches a bracket element connected to such an upwardly acting frame member.

It is therefore respectfully submitted that, as amended, independent claim 1 is not anticipated by either Allen or Bell because various features recited in the claim are not shown or taught by these references.

Claims 5, 7-12, and 19-22 depend, either directly or indirectly, from independent claim 1 and are therefore believed allowable for at least the reasons set forth above with respect to

independent claim 1. In addition, these claims each introduce novel elements that independently render them patentable.

#### **V. 35 U.S.C. §103 Rejections**

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Allen in view of Mitzman. Claims 13-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bell in view of Lauro. Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Allen in view of Hutchinson.

As previously discussed with respect to independent claim 1, Allen et al. does not teach or suggest claimed features such as “a bicycle trailer frame including an upwardly acting frame member with an upper part, a lower part and a swivelling axis therebetween and a bracket element pivotally connected to the upwardly acting frame member.” Mitzman adds nothing to Allen et al in this regard which would render claim 6 obvious.

It is therefore respectfully submitted that claim 6 is patentable over the combination of Allen and Mitzman.

With respect to claims 13-15, the Office Action states that the combination of Bell and Lauro disclose all the claimed features. As amended, however, independent claim 1 recites features that are not shown or suggested by these references. Bell and Lauro both fail to disclose or suggest a bicycle trailer frame including an upwardly acting frame member with an upper part, a lower part and a swivelling axis therebetween and a bracket element pivotally connected to the upwardly acting frame member.

It is therefore respectfully submitted that claims 13-15 are patentable over the combination of Bell and Lauro.

The Office Action also indicates that the combination of Allen and Hutchinson discloses or suggests all the features of claim 23. As previously discussed with respect to independent claim 1, however, Allen fails to even suggest all the features recited in the claim. The inclusion of Hutchinson as a secondary reference also fails to remedy this deficiency.

It is therefore respectfully submitted that claim 23 is allowable over the art of record.

Claims 24 to 33 are newly presented and recite an additional aspect of the present invention that patentably distinguishes over the cited prior art. Additionally, claims 34 to 36 correspond to original claims 16 to 18, which were indicated by the Examiner as being allowable if amended to include the base claims from which they depended.

For the reasons stated above, it is respectfully submitted that all of the pending claims (1-7, 9-11, 13-19, and 21-36) are in condition for allowance. Therefore, a Notice of Allowance is believed in order, and courteously solicited.


The Examiner is respectfully requested to contact the undersigned, if it is believed that such contact would further the examination of the present application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees that may be required for this Response, or credit any overpayment, to deposit account number 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of which is required to make this response timely, and is hereby authorized to charge any fee for such, to deposit account number 08-0219.

Respectfully submitted,

  
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